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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,488	01/18/2002	Scott G. Williams	4818-002	1424

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,488

Applicant(s)

WILLIAMS, SCOTT G.

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>02</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10, 15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leatherman, US Patent No. 4,238,862.

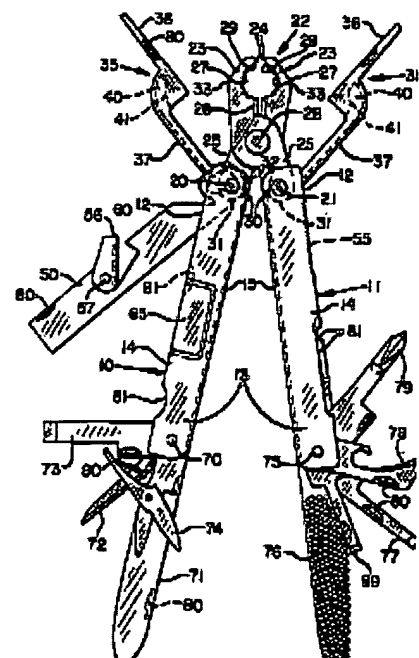
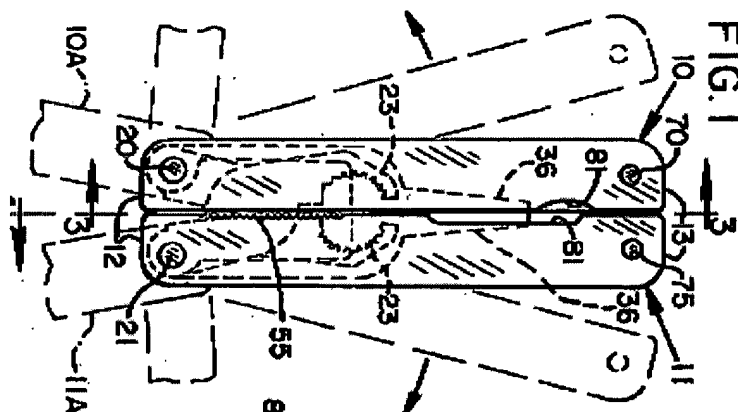
Leatherman discloses all the limitations of claim 1 and 15, i.e., a foldable tool, having a plurality of tools comprising a foldable handle movable between a folded position and an open position, a series of tools mounted to the foldable handle structure with each tool being movable

form a storage position within the handle to an operative position projected outside the handle.

Handles having channel, a wick cutter, i.e., pliers (22) with jaws (23) pivotally connected about a pivot pin (28) with legs connected to the handles. Regarding the narrative and /or functional language, e.g., "candle" tool, lacking any structural limitations to define the tool, prior art, e.g., Leatherman is considered to meet the language.

Regarding claims 2-6, 10, 16, 17 and 20 Leatherman meets the limitations.

Regarding claim 7, Leatherman meets the limitations, i.e., "wick" cutter (22 with cutters 26), a "wick" dipper, e.g. (73), a "match" holder (35).



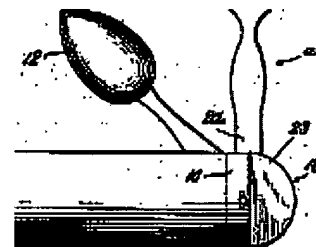
**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leatherman in view of Gross, US Patent No. 1,047,795.

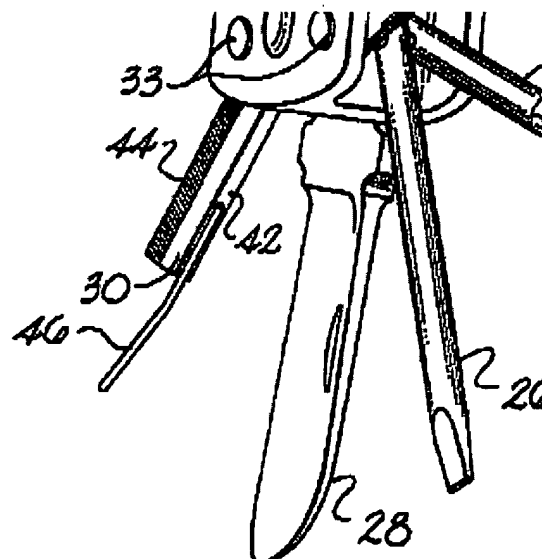
Leatherman discloses all the limitations of claim 8, including foldable tools, e.g., (71) (76) which are capable of meeting the function of a "scoop", however, Leatherman does not disclose a tool meeting the accepted terminology of a "scoop", i.e., a rounded or hollow structure. Gross teaches a combination tool having foldable spoon (12). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the tool of Leatherman with a foldable tool in form of a spoon as taught by Gross to adapt the combination tool to accommodate various utensils for use at the table.



Regarding claim 19, Leatherman as modified by Gross meets the limitations, i.e., a wick dipper, e.g., (77), an "alligator" clip, (35).

5. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leatherman in view of Brown, Jr., US Patent No. 5,553,340.

Leatherman discloses all the limitations of claim 9, except for an arm secured to one of the handle and a



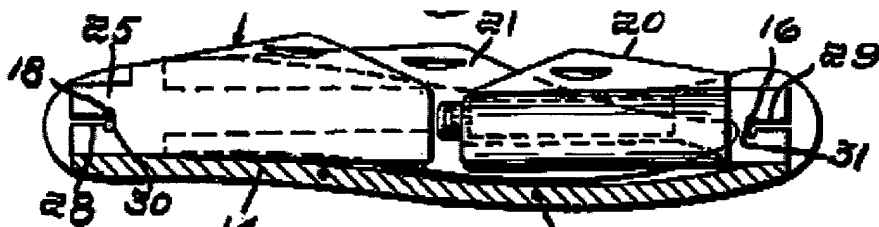
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generally L-shaped wire secured to a terminal end of the arm and extending therefrom. Brown, Jr., teaches a combination tool with an arm, foldable file (44) having wire tool (30). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the tool of Leatherman with the file and wire tool as taught by Brown Jr., to adapt the combination tool for cleaning spark plugs and for cleaning hard to reach crevices.

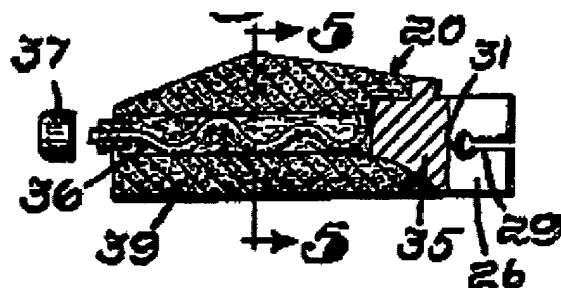
Regarding claim 15, Leatherman as modified by Brown, Jr., meets the limitations.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leatherman in view of Alexander, US Patent No. 2,496,840.

Leatherman discloses all the limitations of claim 11, except for a pre-fueled lighter. Alexander teaches a combination tool with a foldable lighter (20). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the tool of Leatherman with the lighter as taught by Alexander to adapt the combination tool for sportsmen carrying means for igniting a fire.



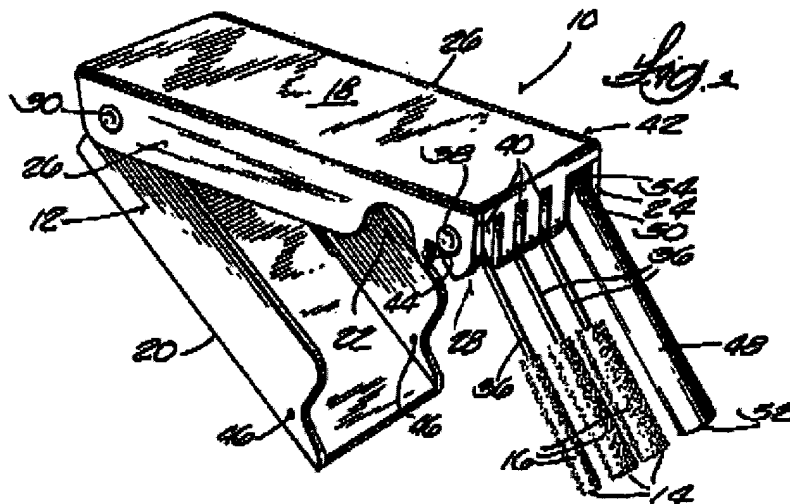
Regarding claim 12, Leatherman as modified by Alexander meets the limitations, i.e., the tool including a sleeve (39 including the cavity 36), having an expandable and retractable wick, i.e., the wick (36) can be pulled out or pushed in the sleeve.



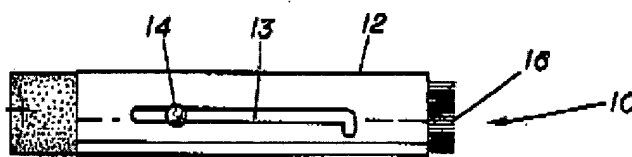
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7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leatherman in view of Halverson, US Patent No. 4,204,294 and Wells, US Patent No. 4,842,132

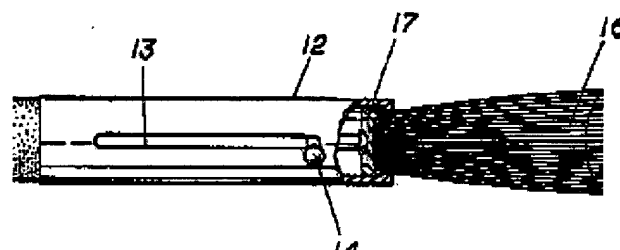
Leatherman discloses all the limitations of claim 13, except for a tool including a sleeve adapted to receive a swab extended and retracted by an actuator. Halverson teaches a foldable combination cleaning tool. It would have



been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the tool of Leatherman with the foldable cleaning tool as taught by Halverson to adapt the combination tool for cleaning tasks.



Wells teaches a retractable brush for cleaning lenses or the like.



It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified tool of Leatherman and Halverson with the retractable brush as taught by Wells to adapt the combination tool for cleaning tasks such as hunting scopes wherein the brush is retractable when not in use to keep it clean.

Regarding claim 14, Leatherman as modified by Halverson and Wells meets the limitations, i.e., the brush being disposable.

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***Conclusion***

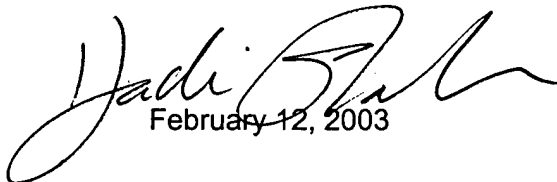
8. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Machuga, Christy, Wasak et al., Margolis, Ornstedt and Walker are cited to show related inventions.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. Official documents may be faxed to (703) 872-9302, after final to (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.

Hadi Shakeri

Patent Examiner



February 12, 2003